

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE NEW YORK CITY DISTRICT COUNCIL :
OF CARPENTERS PENSION FUND, et al., :

Plaintiffs, : 10 Civ. 2203

- against - :

JOY CONTRACTORS, INC., :

Defendant. :
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VICTOR MARRERO, United States District Judge.

USDS SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC#:

DATE FILED: 6-10-10

ORDER

Plaintiffs brought this action pursuant to Section 9 of the Federal Arbitration Act, 9 U.S.C. § 9, to confirm an arbitrator's award entailing recovery of contributions to employee benefit funds payable under a collective bargaining agreement and pursuant to the Labor Management Relations Act, 29 U.S.C. § 185 and the Employee Retirement Income Security Act, 29 U.S.C. §§ 1132 and 1145. By Order dated March 18, 2010, the Court directed defendant to inform the Court by March 25, 2010 whether it contemplated filing opposition to the confirmation of this award and, if so, to set forth its good faith basis for any challenge. The docket sheet and the Court's files for this action indicate no response to that Order, although the Court notes that defendant was served process in the action on March 25, 2010. By further Order dated April 9, 2010 the Court directed that in the event by April 20, 2010 defendant had not responded to the Court's March 18, 2010 Order, the Court would enter judgment in favor of plaintiffs confirming the award. The Court has no record that defendant filed any

response to its April 9, 2010 Order. Accordingly, it is hereby

ORDERED that the Clerk of Court is directed to enter judgment confirming the award dated April 3, 2009 rendered by in arbitration by Arbitrator Roger E. Maher in favor of plaintiffs herein against defendant Joy Contractors, Inc. in the aggregate amount of \$145,421.18, with interest to accrue at the rate of 5.25% per annum from the date of the award, plus reasonable attorney's fees and costs; and it is finally

ORDERED that the Clerk of Court is directed to terminate any pending motions and to close this case.

SO ORDERED.

Dated: New York, New York
10 June 2010



VICTOR MARRERO
U.S.D.J.